

REMARKS

Claims 1-30 and 32-44 are pending in the present application. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

Rejection of claims under 35 USC § 103(a) as being obvious over Yu in view of Wells

The Examiner has rejected claims 1-28, 30, 32, 35-42 and 44 under 35 USC § 103(a) as being obvious over US Patent Pub. No. 2004/018159 to Yu et al. (“Yu”) in view of US Patent No. 6,846,238 to Wells (“Wells”). The Applicants respectfully traverse this rejection.

The Applicants submit that a *prima facie* case of obviousness under 35 USC § 103 has not been established. In particular, the Applicants submit that Yu, which qualifies as prior art only under 35 USC § 102(c), and the instant application are commonly owned by Qualcomm Incorporated. Furthermore, the Applicants submit that such common ownership or an obligation of assignment to Qualcomm, Incorporated existed at the time the present invention was made. Accordingly, under 35 USC § 103(c), Yu is not available to preclude patentability under 35 USC § 103.

Thus, as Wells alone fails to disclose or suggest each and every element of the recited claims, the Applicants respectfully request that the Examiner reconsider and withdraw this rejection of claims 1-28, 30, 32, 35-42 and 44 under 35 USC § 103.

Rejection of claims under 35 USC § 103(a) as being obvious over Yu in view of Wells, and further in view of Jiddou

The Examiner has rejected claims 29, 33-34 and 43 under 35 USC § 103(a) as being obvious over US Patent Pub. No. 2004/018159 to Yu et al. (“Yu”) in view of US Patent No.

6,846,238 to Wells ("Wells"), and further in view of US Patent Pub. No. 2004/0266392 to Jiddou ("Jiddou"). The Applicants respectfully traverse this rejection.

The Applicants submit that a *prima facie* case of obviousness under 35 USC § 103 has not been established. In particular, the Applicants submit that Yu, which qualifies as prior art only under 35 USC § 102(e), and the instant application are commonly owned by Qualcomm Incorporated. Furthermore, the Applicants submit that such common ownership or an obligation of assignment to Qualcomm, Incorporated existed at the time the present invention was made. Accordingly, under 35 USC § 103(c), Yu is not available to preclude patentability under 35 USC § 103.

Thus, as the combination of Wells and Jiddou fail to disclose or suggest each and every element of the recited claims, the Applicants respectfully request that the Examiner reconsider and withdraw this rejection of claims 29, 33-34 and 43 under 35 USC § 103.

CONCLUSION

In light of the remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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